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a tipping paper circumferentially surrounding said sheath.

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-16, 21 and 22 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks as set forth below.

Drawings

Applicants note with appreciation the approval of the proposed drawing correction filed on December 14, 2001. Applicants also note with appreciation, that the drawing objections have now been withdrawn.

Rejection Under 35 U.S.C. § 112

Claims 1-16, 21 and 22 stand rejected under 35 U.S.C. §112 as being indefinite. This rejection is respectfully traversed.

The Examiner states that a structural cooperative relationship is omitted between the tipping paper and the filter cigarette. In particular, the Examiner questions what part of the filter is the tipping paper surrounding. By way of the present Amendment, Applicants have changed the last line of claim 1 to make it clear that the tipping paper circumferentially surrounds the sheath. Thus, the tipping paper is

on the very outside of the filter, and covers the sheath which itself surrounds the core. Applicants submit that this indefiniteness is now overcome.

Rejections Under 35 U.S.C. § 102 and 103

Claims 1, 4-12 and 16 stand rejected as being anticipated by Otto (DE 3 403 281). Claims 2, 3, 14, 15 and 21 stand rejected under 35 U.S.C. § 103 as being obvious over Otto. Claims 13 and 22 are rejected as being obvious over Otto in view of Gonterman (U.S. Patent No. 4,649,943). These rejections are respectfully traversed.

Applicants submit that the Examiner has misread the reference, and that the reference does not teach each and every feature of the combination of features presently claimed.

The main reference is in the German language, except for the Abstract. If the Examiner has a translation of this reference, he is requested to share this with Applicants. Otherwise, it is assumed that the Examiner's understanding of this reference is based on the drawing, and the English language Abstract.

The Examiner states that the filter of Otto includes a core 14, a tubular filter sheath 22, with passages spaced circumferentially around the core. Applicants disagree with this reading of the reference.

Applicants agree that a core 14 is provided, which is the second filter part, with the first filter part 12 being at the inner end of core 14. However, as indicated by the Abstract, the two filter parts are joined by a porous wrapping paper, which is element 22. This is then covered by a conventional covering paper 24 which has a ventilation zone 26. Thus, while flow channels are formed by corrugated

sheath 20, this does not lie between a core and a sheath, but rather between a core and the wrapping papers on the outside of the filter.

Claim 1, from which the remaining claims depend, requires an assembly of a cylindrical filtering core, a tubular filtering sheath with passages between the two and with a tipping paper surrounding the sheath. The Otto reference does not show a tubular filtering sheath at all. The element pointed to by the Examiner is not a filtering sheath in any sense, but rather merely a porous wrapping paper. Such a paper cannot filter and does not form a sheath in the usual sense of the word. Accordingly, Applicants submit that claim 1 is patentable over this reference.

Claims 2-16, 21 and 22 depend from claim 1, and as such are also considered to be allowable. In addition, many of these references teach other features of the filter, such as the specific sizes of the parts, the resistances, and the specific arrangement of the grooves. Accordingly, these claims are believed to be additionally allowable.

The Examiner has made reference to Table 1 of Morifuji et al. (U.S. Patent No. 4,488,563). However, it is not at all clear how the Examiner is applying this since this reference was not mentioned in the rejection itself. If the Examiner feels that the claims are obvious over a combination of Otto and Morifuji et al., he is requested to state this.

The Examiner rejected claims 13 and 22 as being obvious over Otto in view of Gonterman. The Examiner states that Gonterman teaches perforations of the corrugated wrapper to form passages so as to evenly dilute the smoke. However, it is clear that the Gonterman reference also does not show a sheath surrounding a core, and accordingly, this combination of references still does not teach the

missing element described above. In view of this, Applicants submit that the claims are allowable over this combination of references as well.

No Prosecution History Estoppel

Claim 1 is hereby presented in independent form. No prosecution history estoppel applies to the interpretation of the limitations set forth in claim 1 and the claims that depend therefrom in view of the fact that the subject matter has been continuously presented since the original filing date of the present application.

CONCLUSION

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejections and allowance of all the claims is respectfully requested.

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but to merely show the state of the art, no comment need be made with respect thereto.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mr. Robert F. Gnuse (Reg. No. 27,295) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Attached hereto is a marked-up version of the changes made to the application by this Amendment.

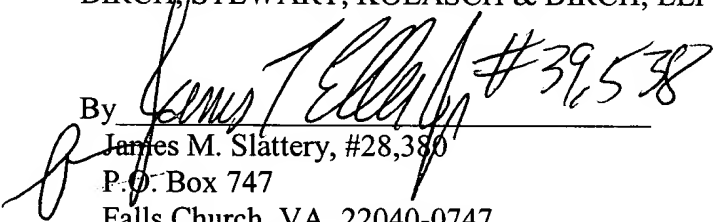
Appl. No. 09/624,246
Attorney Docket No. 1131-0444P
Amendment filed May 22, 2002

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

 #39,538
James M. Slattery, #28,380

P.O. Box 747

Falls Church, VA 22040-0747

(703) 205-8000

JMS/RFG/ags

Attachment: Version with Markings to Show Changes Made

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claim 1 has been amended as follows:

1. (Amended) A filter for a cigarette, comprising an assembly of:

a cylindrical filtering core;

a tubular filtering sheath surrounding said core, and provided between said core and said sheath are passages,

wherein said passages are spaced circumferentially around said core and extending continuously between open ends at the two ends of the assembly and;

a tipping paper circumferentially surrounding said [filter] sheath.